

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C.

DOCKET FILE COPY ORIGINAL

RECEIVED

SEP 13 1999

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )

Implementation of the Local Competition )  
Provisions of the Telecommunications Act )  
of 1996 )

The Public Service Commission of )  
Wisconsin's Petition for Delegation )  
of Additional Authority to Implement )  
Number Conservation Measures )

CC Docket 96-98

NSD File No. L-99-64

**COMMENTS OF AMERITECH**

**I. INTRODUCTION AND SUMMARY**

Ameritech files its Comments in response to the Common Carrier Bureau's Public Notice released August 12, 1999, regarding the Public Service Commission of Wisconsin ("PSCW") Petition. In its Petition, the PSCW seeks authority to implement its own number conservation and pooling measures on a local basis. The WPSC specifically requests authority to:

1. enforce current standards for number allocation, or to set new standards;
2. compel efficient number use practices within NXX codes;
3. order the return of unused and reserved NXX codes (and thousands-blocks if number pooling is implemented);
4. require number utilization and forecast reporting and audit such reports;
5. investigate and order unassigned number porting;
6. investigate and order additional rationing measures; and
7. implement mandatory thousands-block number pooling.

No. of Copies rec'd  
List ABCDE

044

In summary, the PSCW seeks discretion to act consistent with, potentially in conflict with, and to go in advance of and beyond existing national numbering rules and standards. Since granting the Petition could lead to actions that are inconsistent with national policies, the Commission should dismiss the Petition and promptly address the issues raised by the WPSC on a national basis.

The urgency of implementing effective number conservation at the local level is well documented both in the Commission's Number Portability Docket<sup>1</sup> and in the PSCW's Petition. For this reason, Ameritech strongly agrees with the PSCW that action must be taken now to significantly improve the efficiency of NPA and NXX code utilization at the local level. But, Ameritech does not believe that in order to take decisive action now it is necessary for the Commission to scrap a national numbering plan in favor of fragmented local decision-making. Rather, the Commission is in a position to adopt national policies now that provide to the states and the industry the tools they need to implement and enforce effective number conservation. All the issues raised by the PSCW in its Petition are already pending in the Number Optimization Docket. The Commission has a complete record in that proceeding and there is no reason why it cannot act promptly to provide, on an integrated national basis, the relief that the PSCW seeks.

The Commission cannot have an effective national numbering policy if it delegates to any entity, including the states, the authority to take actions potentially in conflict with or inconsistent with national rules and standards. For this reason, the Commission should reject all requests for delegation of excessive discretion in number

---

<sup>1</sup> Number Resource Optimization; CC Docket No. 99-200, RM No. 9258, NSD File No. L-99-17, NSD File No. L-99-36 ("Number Optimization Docket").

administration, or to implement local versions of pooling in advance of a national framework. In each case, there is a significant risk that carriers will need to comply with multiple conflicting numbering plans – one federal plan and one for each state in which they do business. Equally as destructive, carriers may need to constantly adjust and re-adjust to ever changing state/federal requirements, at great cost and significant customer confusion.

## **II. ARGUMENT**

### **A. The Commission Can Act Now To Establish On A National Basis Effective And Enforceable Number Conservation and Pooling.**

Ameritech shares the number conservation objectives of the PSCW, and likewise believes that more effective number conservation is an urgent local and national imperative. Ameritech also agrees, in most respects, with the PSCW's assessment of the underlying causes of the current number utilization crises. In fact, in its Comments and Reply Comments in the Number Optimization Docket, Ameritech supported most of the measures the PSCW seeks to implement. Equally as important, Ameritech strongly advocated that these measures be immediately implemented and rigorously enforced.

Nonetheless, Ameritech does not believe that the Commission should abdicate its statutory responsibility to establish an efficient national numbering plan, or give-up on the concept of one integrated national numbering policy. If it acts promptly in the Number Optimization Docket, the Commission can take its proper national leadership role, while at the same time providing the needed local relief. The PSCW Petition, like

the other similar state petitions, arises because the Commission has not yet acted. The Commission can remedy that situation now.

The PSCW states that the Wisconsin area codes are "at a point where number conservation efforts can have their most dramatic impact." Ameritech agrees that the earlier conservation measures are implemented in the life of an NPA, the more effective they are. The Petition further states that "much of the authority that the PSCW seeks merely involves strict enforcement of existing industry guidelines." Ameritech agrees that strict enforcement of existing rules is the first step in effective number conservation and is long overdue. But the Commission should grant this authority to enforce national rules and standards on a national basis to the number administrators and the states under a uniform plan that consciously balances the role of the Commission, the states, the number administrator, and the industry. Ad hoc local decisions are not the optimal solution, and will quickly lead to jurisdictional chaos.

The PSCW states that it is aware of the national number optimization efforts and indicates that it "does not wish to undermine those efforts" and is "mindful that any Wisconsin measures may have to be modified as national guidelines are developed." Having met with the PSCW staff to discuss numbering issues, Ameritech knows that the PSCW is committed to those principles. But, that is all the more reason why the Commission must act now in the Number Optimization Docket, so it does not force the states and the industry to take interim steps that are potentially in conflict with the national plan, when it is adopted.

**B. The Petition Does Not Meet The Commission's Criteria.**

The PSCW's Petition is filed under authority of the Commission's Pennsylvania Order.<sup>2</sup> In reaching its decision to grant or deny the PSCW Petition, the Bureau should carefully review the Petition under the criteria established by the Commission in the Pennsylvania Order. Ameritech submits that review will disclose that the Petition should be denied.

In the discussion section of the Pennsylvania Order (at paragraph 21), the Commission held:

Although we wish to support state commissions' efforts to develop innovative ways to address the problem of NXX code depletion, we are also mindful that the 1996 Act assigned to the Commission the responsibility for implementing a national numbering policy. As the Commission has stated, a nationwide, uniform system of numbering is essential to the efficient delivery of telecommunications services in the United States. [Footnote omitted.] The Commission, the state commissions, and the industry should work together to bring about as quickly as possible national methods to conserve and promote efficient use of numbers that do not undermine that uniform system of numbering. Such attempts, however, cannot be made on a piecemeal basis without jeopardizing telecommunications services throughout the country. Substantial social and economic costs would result if the uniformity of the North American Numbering Plan were compromised by states imposing varying or inconsistent regimes for number conservation and area code relief.

Thus, it is clear that the Commission has properly held that it will only delegate numbering administration authority to the states and the industry that is consistent with national numbering policies. By the same token, it will not permit "piecemeal action" or "varying or inconsistent regimes" because of their "substantial social and economic costs." To do otherwise, would clearly compromise the concept of "a nationwide, uniform system of numbering."

---

<sup>2</sup> Petition of Declaratory Ruling and Request for Expedited Action on the July 15, 1997 Order of the Pennsylvania Public Service Commission Regarding Area Codes 412, 610, 215, and 717, Implementation of the Local

In paragraphs 30 and 31 of the Pennsylvania Order, the Commission addressed the proper role of states in number administration in the context of a trial of thousands-block pooling conducted under the aegis of the Illinois Commerce Commission ("ICC"). The Commission determined that the Illinois trial was consistent with a national numbering plan; established the standard for allowing the trial to continue; and the standard of review for other state plans. The Commission permitted the ICC trial to continue because:

1. the "Illinois trial does not interfere with the operation of the guidelines that the Commission has established for traditional area code relief";
2. the ICC "has not acted in a manner that undermines efforts by the Commission and the industry to establish a national number pooling solution"; and
3. there will "not be multiple, inconsistent pooling trials throughout the country" and the Commission, therefore, encouraged "state commissions to present their proposals to the NANC first".

In summary, the Commission established a standard for delegating number administration authority to the states that ensures against potential conflicts with national policies; while seeking new, not yet considered, conservation measures. The Bureau should assess the PSCW Petition against the same standard.

Ameritech believes that in this case the Pennsylvania Order criteria can be reduced to three relevant questions. Those questions are:

- 1) Will the state use its discretion to execute NPA relief consistent with the national standards?
- 2) Does the Petition offer any new and innovative conservation measures not already being addressed?
- 3) Would granting the Petition impede the development of the national plan?

First, with regard to the first question, Ameritech believes the PSCW has acted responsibly with respect to NPA relief and has followed the existing industry guidelines and Commission policies. Unfortunately, like in many other states, the pace of that relief is much faster than in the past. What the PSCW needs, like the industry, is more effective number conservation tools under the national plan, not unfettered discretion to create its own local plan.

Second, the Petition does not adequately answer the second question. The Petition does not offer anything that is new and not currently being considered in the Number Optimization Docket. In particular, in light of the Illinois trial, there is no need for another pooling trial. Thus, as long as the Commission acts promptly, the PSCW can implement the national plan.

Third, Ameritech believes that granting states discretion to seek their own numbering solutions on a local basis fails the third test as well. Simply put, granting any entity the authority to implement its own version of pooling would severely hamper the ongoing national efforts to initiate national pooling standards.

For instance, if the Commission grants authority to the PSCW to implement its own version of pooling, then under the Commission's nondiscriminatory policies, it would likely have to grant similar authority to other states. In doing so, the very limited numbering resources of the industry would, out of necessity, be allocated to these local diversions. Consequently, it would not be possible to continue to support the national pooling effort at the same level. The result would be a significant delay in any national rollout of pooling. Equally as important, even when the national rollout was ready, the existing implemented local versions of pooling could pose a significant barrier, further

delaying the implementation of the national plan and increasing costs. Thus, granting the Petition would "undermine" and "impede" develop of national pooling standards.

Another example of a potential conflict with national standards is that the PSCW Petition seeks delegated authority to investigate and order rationing as an NPA nears jeopardy. Further, the PSCW would strive for consensus with and among the industry as to the rationing process, but this authority would allow rationing to be implemented sooner than under current guidelines in an attempt to help delay the need for area code relief.

The Industry Numbering Committee (INC) is actively working to modify the national guidelines to develop standard jeopardy procedures for the North American Numbering Plan Administrator (NANPA) to implement when an NPA is near jeopardy. The NANPA has the authority to declare jeopardy as soon it detects the situation. Depending on local circumstances, this could occur prior to the formation of a relief plan or after an approved plan has been adopted, but prior to when code relief has been implemented. In either case, the NANPA will utilize the uniform national guidelines that are being created/modified to implement an appropriate process to address the situation.

In no case are the jeopardy procedures designed or to be implemented as an alternative to a bona fide area code relief plan. Ameritech must oppose any deviation from the existing process whereby the NANPA has ongoing responsibility for: monitoring industry code consumption (as well as projected demand); declaring jeopardy; and implementing rationing. These activities are clearly an integral part of



NANPA's central office code administration and NPA planning responsibilities. It is inappropriate to delegate these functions to another entity.

**C. The Commission Can Authorize Interim Authority That Will Enhance Number Conservation And Prepare For Pooling.**

As stated above, Ameritech shares the PSCW's underlying concerns and its belief that prompt relief is required. In its meetings with the PSCW, Ameritech expressed confidence that the national efforts would result in the timely issuance of a robust set of enforceable national numbering guidelines and measures, and would address thousands-block pooling. Toward that end, in its Comments in the Number Optimization Docket, Ameritech proposed concrete measures that the Commission can promptly adopt that will significantly improve number conservation and utilization. Moreover, in its Reply Comments in that docket, Ameritech proposed a number of interim steps that the Commission could adopt immediately that would enable the states and the industry to significantly improve number conservation in the intervening period prior to the adoption of a national pooling plan and standards. Equally as important, these steps are consistent with existing numbering rules and standards and will facilitate thousands-block pooling if/when it is mandated. Ameritech discussed these actions in detail its Reply Comments in the Number Optimization Docket. Ameritech will not repeat that discussion here. In summary, these interim actions include:

1. suspension of the mandatory 10-digit dialing requirement for all services overlays;
2. mandatory block administration;
3. aggressive NXX code reclamation and "for cause" audits; and
4. mandatory "COCUS" filings as a prerequisite for NXX code assignment.

In preparation for pooling, the PSCW could also launch an investigation into the potential consumption rate for both full NXX codes and thousands-blocks in each Wisconsin NPA. Those estimates could then be compared with the supply of available numbering resources to determine if pooling would significantly delay exhaust of the NPA. A more detailed plan is set forth in Attachment A.

### III. CONCLUSION.

For the above reasons, the Commission should dismiss the Petition, and promptly address the matters raised in the Petition on a uniform national basis in the Number Optimization Docket.

Respectfully submitted,

A handwritten signature in cursive script that reads "Larry A. Peck". The signature is written in dark ink and is positioned above the printed name and address.

Larry A. Peck  
Counsel for Ameritech  
Room 4H86  
2000 West Ameritech Center Drive  
Hoffman Estates, IL 60196-1025  
(847) 248-6074

Dated: September 13, 1999

[lap0339 PSCW #ing Comments]

## **ATTACHMENT A**

Ameritech believes that a careful analysis can be conducted of the potential benefits of thousands-block pooling in an NPA prior to any decision on how or if it should be deployed. The analysis can be conducted through a six-step process.

1. Determine the number of rate centers/districts within each NPA that would comprise the pool(s).
2. Determine the number of blocks within each pool.
3. Ascertain the number of blocks within each (pooling) carrier's own inventory that could be eligible for donation to the pools.
4. Request and aggregate quarterly block forecasts, by rate center/district, from each carrier that could participate in pooling, and to compare those forecasts with the block resources available to determine when and how many additional NXX codes must be assigned to replenish the pools.
5. Determine the number of non-pooling carriers and their quarterly NXX code requirements.
6. Estimate the number of new carriers that will enter the market within those NPAs, taking into account that they will require at least one new NXX (for LRN assignment) and one additional thousands-block for each rate center/district served.

Since NPA exhaust is driven by the exhaust of assignable NXX codes, the aforementioned six step process would provide the needed NXX code consumption rate (NXX codes needed by non-pooling carriers + NXX codes needed to maintain the pools + NXXs needed for LRN assignment to new entrants), which can then be compared with the remaining unassigned NXX codes to estimate the NPA exhaust date.